

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARTHROCARE CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-729 (SLR)
)	
GYRUS MEDICAL, INC., GYRUS ENT,)	
L.L.C., and GYRUS ACMI, INC.,)	
)	
Defendants.)	

STIPULATED AMENDED SCHEDULING ORDER

IT IS HEREBY STIPULATED by the parties, as discussed with the Court at the July 30, 2008 status conference and subject to its approval, that the February 7, 2008 Scheduling Order (D.I. 22) is hereby amended as follows:

2. **Discovery.**

(b) All fact discovery shall be commenced in time to be completed by January 9, 2009.

(c) Expert discovery shall be commenced in time to be completed by April 30, 2009.

(1) Expert reports on issues for which the parties have the burden of proof due February 13, 2009. Rebuttal expert reports due March 13, 2009.

(3) All *Daubert* motions shall be filed on or before May 13, 2009.

(f) **Discovery Disputes.**

(1) The court shall conduct an in-person discovery status conference on October 29, 2008 at 4:30 p.m., the time to be allocated equally among the parties.

No motions to compel or motions for protective order shall be filed absent approval of the

court.

3. **Joinder of other Parties and Amendment of Pleadings.** All motions to join other parties and amend the pleadings shall be filed on or before November 21, 2008.

5. **Claim Construction Issue Identification.** If the court does not find that an earlier claim construction would be helpful in resolving the case, the parties shall exchange lists of those claim terms that they believe need construction and their proposed claim construction of those terms by December 5, 2008. This document will not be filed with the court. Subsequent to exchanging such lists, the parties will meet and confer to prepare a Joint Claim Construction Statement to be submitted pursuant to paragraph 7 below.

6. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before May 20, 2009. Responsive briefing shall be filed on or before June 16, 2009. Reply briefing shall be filed on or before June 30, 2009. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

7. **Claim Construction.** Lawyers must identify, during the claim construction phase of the case, any claim language that will have a meaning to a person of ordinary skill in the art that differs from the ordinary meaning. Any language not so identified will be construed according to its ordinary dictionary meaning.

The parties shall agree upon and file the Joint Claim Construction Statement on May 6, 2009, with the claim chart separately docketed. The parties will file simultaneous opening claim construction briefs on May 20, 2009. Simultaneous response briefs should be filed by June 16, 2009. Issues of claim construction shall be considered by the court in conjunction with the summary judgment motion(s). The hearing on the claim construction and

motion(s) for summary judgment will be heard on July 31, 2009 at 9:30 a.m.

Except as explicitly set forth herein, all other provisions and deadlines set forth in the February 7, 2008 Scheduling Order (D.I. No. 22) shall remain in effect.

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SO ORDERED this ____ day of _____, 2008.

United States District Judge

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